

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Richard A. Foster
Leanne M. Foster
Debtor(s)

Bankruptcy Case No.: 18-23502-JAD
Issued Per Oct. 15, 2018 Proceeding
Chapter: 13
Docket No.: 24 - 11
Concil. Conf.: March 7, 2019 at 09:00 AM

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated September 4, 2018 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☐ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$ as of . Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☒ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on Mar. 7, 2019 at 09:00 AM, in 3251 U.S. Steel Tower, 600 Grant Street, Pittsburgh, PA 15219.*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to it's administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☐ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: .
- ☐ H. Additional Terms:

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.

Dated: October 22, 2018

Jeffery A. Deller
United States Bankruptcy Judge

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 5
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 Richard A. Foster
 Leanne M. Foster
 Debtors

Case No. 18-23502-JAD
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2

User: jhel
 Form ID: 149

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 Total Noticed: 58

Date Rcvd: Oct 22, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Oct 24, 2018.

db/jdb
 cr
 +Richard A. Foster, Leanne M. Foster, 315 E. Hazeltroft Avenue, New Castle, PA 16105-2177
 +Freedom Mortgage Corporation, c/o McCalla Raymer Leibert Pierce, LLC, Bankruptcy Department,
 1544 Old Alabama Road, Roswell, GA 30076-2102
 14931227 +ACAR Leasing Ltd d/b/a GM Financial Leasing, PO Box 183853, Arlington, TX 76096-3853
 14909480 American Educational Services, P.O. Box 0001, Payment Center,
 Harrisburg, Pennsylvania 17130-0001
 14909481 +Barclays, P.O. Box 13337, Philadelphia, Pennsylvania 19101-3337
 14927449 CW Nexus Credit Card Holdings 1, LLC, Resurgent Capital Services, PO Box 10368,
 Greenville, SC 29603-0368
 14909486 Capital One Bank, N. A., P.O. Box 71087, Charlotte, North Carolina 28272-1087
 14909487 Cardmember Services - Amazon, Marriot Rewards, P.O. Box 1423,
 Charlotte, North Carolina 28201-1423
 14909497 +Department of Education, Fedloan Servicing, P.O. Box 530210, Atlanta, Georgia 30353-0210
 14909498 Discover, P.O. Box 742655, Cincinnati, Ohio 45274-2655
 14909500 +Endeavor Agency, Inc., 114 E. Morrison Street, P.O. Box 303, Fayette, MO 65248-0303
 14913482 +First Associates Loan Servicing, LLC, as agent for Lending USA, P.O. Box 503430,
 San Diego, CA 92150-3430
 14909501 +First National Credit Card, P.O. Box 2496, Omaha, Nebraska 68103-2496
 14909502 Freedom Mortgage, P.O. Box 619063, Dallas, Texas 75261-9063
 14909504 GM Financial Leasing, 75 Remittance Drive, Suite 1738, Chicago, Illinois 60675-1738
 14909505 +Home Depot Credit Services, P.O. Box 790328, St. Louis, Missouri 63179-0328
 14909507 LendingUSA, P.O. Box 206536, Dallas, TX 75320-6536
 14909508 Macy's, P.O. Box 78-008, Phoenix, Arizona 85062-8008
 14909509 Merrick Bank, P.O. Box 660175, Dallas, Texas 75266-0175
 14909512 +Ocwen Loan Servicing, LLC, P.O. Box 24738, West Palm Beach, Pennsylvania 33416-4738
 14923210 +PHEAA, PO Box 8147, Harrisburg, PA 17105-8147
 14909515 PNC Bank, P.O. Box 856177, Louisville, Kentucky 40285-6177
 14909513 #PayPal Credit, P.O. Box 105658, Atlanta, Georgia 30348-5658
 14909514 Phillips & Cohen Associates, Ltd., Mail Stop: 658, 1002 Justison Street,
 Wilmington, Delaware 19801-5148
 14909516 +State Farm Bank, P.O. Box 23025, Columbus, Georgia 31902-3025
 14909521 Target Card Services, P.O. Box 660170, Dallas, Texas 75266-0170
 14909522 Trugreen Processing Center, P.O. Box 9001128, Louisville, KY 40290-1128

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

14932533 +Fax: 864-336-7400 Oct 23 2018 03:06:53 ACSO of Ohio, Inc., c/o Advance America,
 135 North Church Street, Spartanburg, SC 29306-5138
 14909479 +Fax: 864-336-7400 Oct 23 2018 03:06:53 Advance America, 5963 South Avenue,
 Boardman, OH 44512-3610
 14933616 E-mail/PDF: resurgentbknofications@resurgent.com Oct 23 2018 02:32:13
 CVI SGP-CO Acquisition Trust C/O Resurgent Capital, PO Box 10587,
 Greenville, SC 29603-0587
 14909482 E-mail/Text: cms-bk@cms-collect.com Oct 23 2018 02:22:08 Capital Management Services, LP,
 698 1/2 South Ogden Street, Buffalo, New York 14206-2317
 14909483 E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Oct 23 2018 02:32:34
 Capital One - Maurices, P.O. Box 71106, Charlotte, North Carolina 28272-1106
 14909484 E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Oct 23 2018 02:32:34
 Capital One - Menard's, P.O. Box 71106, Charlotte, North Carolina 28272-1106
 14934203 E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Oct 23 2018 02:32:34
 Capital One Bank (USA), N.A., PO Box 71083, Charlotte, NC 28272-1083
 14909485 E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Oct 23 2018 02:33:03
 Capital One Bank, N. A., P.O. Box 71083, Charlotte, North Carolina 28272-1083
 14934204 E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Oct 23 2018 02:32:06 Capital One, N.A.,
 PO Box 71083, Charlotte, NC 28272-1083
 14909488 E-mail/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM Oct 23 2018 02:22:12 Comenity - Avenue,
 P.O. Box 659584, San Antonio, Texas 78265-9584
 14909489 E-mail/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM Oct 23 2018 02:22:12 Comenity - Bon Ton,
 P.O. Box 659813, San Antonio, Texas 78265-9113
 14909490 E-mail/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM Oct 23 2018 02:22:13 Comenity - Boscov's,
 P.O. Box 659622, San Antonio, Texas 78265-9622
 14909491 E-mail/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM Oct 23 2018 02:22:13 Comenity - Jared,
 P.O. Box 659728, San Antonio, Texas 78265-9728
 14909492 E-mail/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM Oct 23 2018 02:22:13
 Comenity - Old Pueblo Traders, P.O. Box 659465, San Antonio, Texas 78265-9465
 14909493 E-mail/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM Oct 23 2018 02:22:13 Comenity - Overstock,
 P.O. Box 659707, San Antonio, Texas 78265-9707
 14909494 +E-mail/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM Oct 23 2018 02:22:13 Comenity - Pier 1 Imports,
 P.O. Box 659450, San Antonio, Texas 78265-9450
 14909495 E-mail/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM Oct 23 2018 02:22:13 Comenity - Venus,
 P.O. Box 659617, San Antonio, Texas 78265-9617
 14909496 E-mail/PDF: creditonebknofications@resurgent.com Oct 23 2018 02:32:11 Credit One Bank,
 P.O. Box 60500, City of Industry, California 91716-0500

District/off: 0315-2

User: jhel
Form ID: 149

Page 2 of 2
Total Noticed: 58

Date Rcvd: Oct 22, 2018

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center (continued)

14909499 +E-mail/Text: mrdiscen@discover.com Oct 23 2018 02:21:59 Discover, P.O. Box 30421,
Salt Lake City, Utah 84130-0421
14913145 E-mail/Text: mrdiscen@discover.com Oct 23 2018 02:21:59 Discover Bank,
Discover Products Inc, PO Box 3025, New Albany, OH 43054-3025
14909503 E-mail/Text: GenesisFS@ebn.phinsolutions.com Oct 23 2018 02:23:11 Genesis FS Card Services,
P.O. Box 205458, Dallas, TX 75320-5458
14909506 +E-mail/Text: bnckohlsnotices@becket-lee.com Oct 23 2018 02:22:03 Kohl's Payment Center,
P.O. Box 2983, Milwaukee, Wisconsin 53201-2983
14924727 +E-mail/Text: bankruptcy@sccompanies.com Oct 23 2018 02:23:11 Monroe & Main,
c/o Creditors Bankruptcy Service, P.O. Box 800849, Dallas, TX 75380-0849
14909510 E-mail/Text: bankruptcy@sccompanies.com Oct 23 2018 02:23:11 Monroe and Main,
1112 7th Avenue, Monroe, WI 53566-1364
14909511 E-mail/Text: bankruptcy@sccompanies.com Oct 23 2018 02:23:11 Montgomery Ward,
1112 7th Avenue, Monroe, WI 53566-1364
14924728 +E-mail/Text: bankruptcy@sccompanies.com Oct 23 2018 02:23:11 Montgomery Ward,
c/o Creditors Bankruptcy Service, P.O. Box 800849, Dallas, TX 75380-0849
14910624 +E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Oct 23 2018 02:32:38
PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
14909517 E-mail/PDF: gecsedirecoverycorp.com Oct 23 2018 02:33:00 Synchrony Bank/Amazon,
P.O. Box 960013, Orlando, Florida 32896-0013
14909519 E-mail/PDF: gecsedirecoverycorp.com Oct 23 2018 02:33:01 Synchrony Bank/SR,
P.O. Box 530916, Atlanta, Georgia 30353-0916
14909518 E-mail/PDF: gecsedirecoverycorp.com Oct 23 2018 02:32:32 Synchrony Bank/Sewing and More,
P.O. Box 960061, Orlando, Florida 32896-0061
14909520 E-mail/PDF: gecsedirecoverycorp.com Oct 23 2018 02:32:05 Synchrony Bank/TJX Rewards,
P.O. Box 530948, Atlanta, Georgia 30353-0948
TOTAL: 31

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr DEUTSCHE BANK TRUST COMPANY AMERICAS, AS TRUSTEE E
cr FREEDOM MORTGAGE CORPORATION
cr* +PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021

TOTALS: 2, * 1, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update.
While the notice was still deliverable, the notice recipient was advised to update its address with the court immediately.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Oct 24, 2018

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on October 22, 2018 at the address(es) listed below:

Francis E. Corbett on behalf of Joint Debtor Leanne M. Foster fcorbett@fcorbettlaw.com,
fcorbett7@gmail.com
Francis E. Corbett on behalf of Debtor Richard A. Foster fcorbett@fcorbettlaw.com,
fcorbett7@gmail.com
James Warmbrodt on behalf of Creditor Freedom Mortgage Corporation bkgroup@kmlawgroup.com
James Warmbrodt on behalf of Creditor FREEDOM MORTGAGE CORPORATION bkgroup@kmlawgroup.com
Mario J. Hanyon on behalf of Creditor DEUTSCHE BANK TRUST COMPANY AMERICAS, AS TRUSTEE ET.
AL. pawb@fedphe.com
Office of the United States Trustee ustpreion03.pi.ecf@usdoj.gov
Ronda J. Winnecour cmecf@chapter13trusteedpa.com

TOTAL: 7